

AMENDMENT TO H.R. _____
OFFERED BY MR. DINGELL OF MICHIGAN AND
MR. MARKEY OF MASSACHUSETTS

Public benefits for use of public rights-of-way

In section 630(c) of the Communications Act of 1934, as added by section 101 of the bill, add at the end the following:

1 “(5) PUBLIC BENEFITS FOR USE OF PUBLIC
2 RIGHTS-OF-WAY.—A cable operator authorized under
3 this section to provide cable service in a local fran-
4 chise area is authorized pursuant to subsection (f) to
5 use public rights-of-way in the area if the operator
6 complies with subsection (l).”.

In section 630 of the Act (as so added), redesignate subsection (l) as subsection (m) (and make such technical and conforming amendments as may be necessary) and insert after subsection (k) the following:

7 “(l) SERVICE AREA REQUIREMENTS.—

8 “(1) CABLE OPERATOR ELECTS FRANCHISE
9 AREAS TO SERVE.—A cable operator that obtains a
10 national franchise shall not be required under this
11 section to offer cable service in any franchise area.

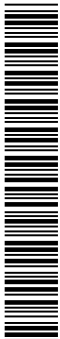


1 “(2) NO SERVICE AREA REQUIREMENT FOR 5
2 YEARS.—A cable operator that obtains a national
3 franchise shall not be required under this subsection
4 to offer service in any portion of a franchise area for
5 5 years after the effective date of the operator’s na-
6 tional franchise under this section.

7 “(3) MARKET-BASED INCREMENTAL EXPAN-
8 SION.—Beginning on the date that is 5 years after
9 the effective date of a cable operator’s national fran-
10 chise under this section for a franchise area and
11 every 3 years thereafter, if in the portion of the
12 franchise area where the cable operator is offering
13 cable service at least 15 percent of the households
14 subscribe to such service, the franchising authority
15 in the franchise area may require the cable operator
16 to increase by 20 percent the households in the fran-
17 chise area to which the cable operator offers cable
18 service by the beginning of the next 3-year interval,
19 until the cable operator is capable of providing cable
20 service to all households in the franchise area.

21 “(4) HIGH-COST, RURAL AREAS.—The Commis-
22 sion may—

23 “(A) limit the application of the provisions
24 of this subsection to a cable operator if the op-
25 erator demonstrates that compliance with such



1 provisions will result in financial distress to the
2 cable operator;

3 “(B) permit a cable operator to offer cable
4 service using alternative technologies to rural or
5 high-cost areas within the franchise area if the
6 service offered is comparable in rates, features,
7 functionalities, and programming to the cable
8 service offered by the cable operator in other
9 parts of the franchise area; and

10 “(C) grant exemptions—

11 “(i) to avoid requiring a cable oper-
12 ator that is an incumbent local exchange
13 carrier (as such term is defined in section
14 251(h)) on the date of enactment of the
15 _____ Act of 2006 from offering cable
16 service in areas that are outside the area
17 in which the operator provides local ex-
18 change service; and

19 “(ii) to avoid requiring the extension
20 of service to portions of the franchise area
21 that are sparsely populated and geographi-
22 cally remote from the areas within which
23 the cable operator is offering cable serv-
24 ice.”.

